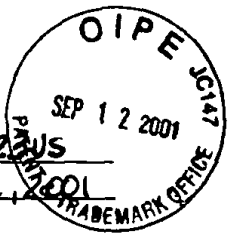
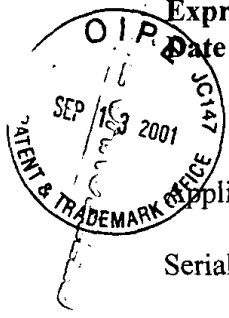


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Date Deposited September 12, 2001

PATENT

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Applicant:	Weigel et al.	)	Atty Dkt No:	3554.049
		)		
Serial No:	09/879,959	)	Examiner:	G. Bugaisky
		)		
Filed:	June 13, 2001	)	Art Unit:	1643
		)		
For:	STREPTOCOCCUS EQUISIMILIS	)		
	HYALURONAN SYNTHASE	)		
	GENE AND EXPRESSION	)		
	THEREOF IN BACILLUS	)		
	SUBTILIS	)		

Commissioner for Patents  
Washington, D.C. 20231

**PETITION IN RESPONSE TO NOTICE TO COMPLY WITH  
REQUIREMENTS FOR PATENT APPLICATIONS FOR  
OMITTED ITEMS MAILED JULY 13, 2001**

**1. Response**

This is in response to the "NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS FOR OMITTED ITEMS" mailed July 13, 2001. This response is being made within two (2) months of the mailing of the "NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS FOR OMITTED ITEMS". A copy of the "NOTICE OF OMITTED ITEMS (PART-2 COPY TO BE RETURNED WITH RESPONSE)" is enclosed. The subject NOTICE advises:

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

Figure 14 described in the specification.

09/18/2001 CCHWJ1 00000043 041700 09879559  
01 FC:122 130.00 CH

## **2. Petition**

The "NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS FOR OMITTED ITEMS" mailed July 13, 2001 advises that a filing date has been accorded to the above-identified nonprovisional application papers; however, Figure 14 described in the specification was not provided in the application presented for filing on June 13, 2001. Applicant respectfully asserts that the content of Figure 14 was submitted for filing on June 13, 2001, but was included as part of the Sequence Listing containing SEQ ID NOS: 3, 4, 5, and 6 and was not correctly labeled as Figure 14. Therefore, Applicant respectfully submits that the submission of correctly labeled Figure 14 is simply making explicit that which was implicit upon filing of the subject application. Applicant also asserts that the correctly labeled Figure 14 submitted herewith contains no new matter. Applicant respectfully petitions that Figure 14 be accepted herewith as part of the application, and that such application be accorded the original filing date of June 13, 2001.

## **2. Submission**

A correctly labeled Figure 14 to thereby comply with 37 CFR 1.84.

## **3. Petition Fee**

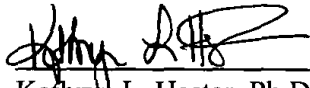
The Petition Fee of \$130.00 is being authorized to be withdrawn from Deposit Account 04-1700.

## **5. Payment of Fee**

The Commissioner is hereby authorized to charge Deposit Account 04-1700 in the amount of \$130.00 for the Petition Fee and any other additional fees required by this paper or credit any overpayment in the manner authorized above.

Should anything further be required, please advise.

Respectfully submitted,



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Kathryn L. Hester, Ph.D., Reg. No. 46,768  
DUNLAP, CODDING & ROGERS, P.C.  
9400 North Broadway, Suite 420  
Oklahoma City, Oklahoma 73114  
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Agent for Applicant